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OFFICE OF PETITIONS

In re Application of :
Richard D. Charnitski :
Application No. 10/644,591 :
Filed: August 19, 2003 :
Attorney Docket No. HEART.017C2 :

DECISION GRANTING PETITION

This is a decision on the petition filed September 13, 2004, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of August 19, 2003, rather than the presently accorded filing date of August 18, 2003.

Petitioner alleges that the application was deposited with the Express Mail Service on August 19, 2003. In support of the allegation, the petition is accompanied by a copy of the Express Mail label with a tracking number EV319023094USUS showing a "date-in" of August 19, 2003. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on August 19, 2003.

In view of the above, the petition is granted. The new filing date for the above-cited application is August 19, 2003.

The Office of Initial Patent Examination will further process the application with a filing date of August 19, 2003, and issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions